

AMENDED IN ASSEMBLY MAY 11, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 894

Introduced by Assembly Member Furutani

February 26, 2009

An act to amend Sections 9005, 9087, and 13247 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 894, as amended, Furutani. Ballot measures: fiscal impact statements.

Existing law requires that a draft of an initiative measure be submitted to the Attorney General prior to circulation of the initiative for signatures so that it may appear on the ballot. Existing law requires the Attorney General to prepare the title and summary for the proposed measure. Existing law requires that, if the Attorney General determines that the proposed measure would affect the revenues or expenditures of the state or local government, he or she shall include in the title of the proposed measure either the estimated increase or decrease in revenues or costs to the state or local government, or an opinion as to whether the measure would result in a substantial net change in state or local finances. Existing law requires the title and summary of the Attorney General to be placed on the heading of a petition for the measure and on each page of the petition.

This bill would require the fiscal impact statement included in the title and summary of the Attorney General to be in boldface type.

Existing law requires that a ballot pamphlet containing information regarding each statewide measure to appear on a statewide election ballot be prepared by the Secretary of State. Existing law further requires

the Legislative Analyst to prepare for the ballot pamphlet an analysis of each statewide measure, including a fiscal analysis of each measure showing the amount of any increase or decrease in revenue or cost to state or local government. Existing law requires that any estimate of increased cost to local governments be set out in boldface print in the ballot pamphlet.

This bill would also require, for a statewide measure that would result in increased cost to the state, that the Legislative Analyst provide an analysis of the measure's estimated impact on the ~~General Fund~~ state, including an estimate of the percentage of the General Fund that would be expended due to the measure. *The measure would also require the Legislative Analyst, to the extent practicable, to utilize a uniform method in each analysis to describe the estimated increase or decrease in revenue or cost of a measure.*

Existing law requires a condensed statement of the ballot title prepared by the Attorney General *and the fiscal impact summary of the Legislative Analyst, as applicable*, for each statewide measure appearing on the ballot, followed by the words "Yes and "No."

~~This measure would also require, when the Legislative Analyst provides an estimated numerical figure of the increase or decrease in revenue or cost to the state, that the numerical figure appear immediately below the designation of the measure on the ballot that the uniform estimate of increase or decrease in revenue or cost of the measure prepared by the Legislative Analyst be included in the condensed fiscal impact summary.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9005 of the Elections Code is amended
2 to read:
3 9005. (a) Notwithstanding Section 9004, the Attorney General,
4 in preparing a title or summary for an initiative measure, shall
5 determine whether the substance thereof if adopted would affect
6 the revenues or expenditures of the state or local government, and
7 if he or she determines that it would, he or she shall, in boldface
8 print, include in the title either the estimate of the amount of any
9 increase or decrease in revenues or costs to the state or local
10 government, or an opinion as to whether or not a substantial net

1 change in state or local finances would result if the proposed
2 initiative is adopted.

3 (b) The estimates as required by this section shall be made
4 jointly by the Department of Finance and the Joint Legislative
5 Budget Committee, who shall deliver them to the Attorney General
6 so that he or she may include them in the titles prepared by him
7 or her.

8 (c) The estimate shall be delivered to the Attorney General
9 within 25 working days from the date of receipt of the final version
10 of the proposed initiative from the Attorney General, unless, in
11 the opinion of both the Department of Finance and the Joint
12 Legislative Budget Committee, a reasonable estimate of the net
13 impact of the proposed initiative cannot be prepared within the
14 25-day period. In the latter case, the Department of Finance and
15 the Joint Legislative Budget Committee shall, within the 25-day
16 period, give the Attorney General their opinion as to whether or
17 not a substantial net change in state or local finances would result
18 if the proposed initiative is adopted.

19 (d) A statement of fiscal impact prepared by the Legislative
20 Analyst pursuant to subdivision (b) of Section 12172 of the
21 Government Code may be used by the Department of Finance and
22 the Joint Legislative Budget Committee in the preparation of the
23 fiscal estimate or the opinion.

24 SEC. 2. Section 9087 of the Elections Code is amended to read:

25 9087. (a) The Legislative Analyst shall prepare an impartial
26 analysis of the measure describing the measure and including a
27 fiscal analysis of the measure showing the amount of any increase
28 or decrease in revenue or cost to state or local government. ~~Any~~
29 ~~estimate of increased cost to local governments shall be set out in~~
30 ~~boldface print in the ballot pamphlet.~~ If it is estimated that a
31 measure would result in increased cost to the state, an analysis of
32 the measure's estimated impact on the ~~General Fund~~ *state* shall
33 be provided, including an estimate of the percentage of the General
34 Fund that would be expended due to the measure, using visual aids
35 when appropriate. ~~The~~ *An estimate of increased cost to the state*
36 *or local governments shall be set out in boldface print in the ballot*
37 *pamphlet.*

38 (b) *The* analysis shall be written in clear and concise terms, so
39 as to be easily understood by the average voter, and shall avoid
40 the use of technical terms wherever possible. The analysis may

1 contain background information, including the effect of the
2 measure on existing law and the effect of enacted legislation which
3 will become effective if the measure is adopted, and shall generally
4 set forth in an impartial manner the information the average voter
5 needs to adequately understand the measure. *To the extent*
6 *practicable, the Legislative Analyst shall utilize a uniform method*
7 *in each analysis to describe the estimated increase or decrease in*
8 *revenue or cost of a measure, so that the average voter may draw*
9 *comparisons among the fiscal impacts of measures.*

10 ~~(b)~~

11 (c) The Legislative Analyst may contract with a professional
12 writer, educational specialist, or another person for assistance in
13 writing an analysis that fulfills the requirements of this section,
14 including the requirement that the analysis be written so that it
15 will be easily understood by the average voter. The Legislative
16 Analyst may also request the assistance of a state department,
17 agency, or official in preparing his or her analysis.

18 ~~(e)~~

19 (d) Prior to submitting the analysis to the Secretary of State, the
20 Legislative Analyst shall submit the analysis to a committee of
21 five persons, appointed by the Legislative Analyst, for the purpose
22 of reviewing the analysis to confirm its clarity and easy
23 comprehension to the average voter. The committee shall be drawn
24 from the public at large, and one member shall be a specialist in
25 education, one member shall be bilingual, and one member shall
26 be a professional writer. Members of the committee shall be
27 reimbursed for reasonable and necessary expenses incurred in
28 performing their duties. Within five days of the submission of the
29 analysis to the committee, the committee shall make
30 recommendations to the Legislative Analyst as it deems appropriate
31 to guarantee that the analysis can be easily understood by the
32 average voter. The Legislative Analyst shall consider the
33 committee's recommendations, and he or she shall incorporate in
34 the analysis those changes recommended by the committee that
35 he or she deems to be appropriate. The Legislative Analyst is solely
36 responsible for determining the content of the analysis required
37 by this section.

38 ~~(d)~~

39 (e) The title of the measure that appears on the ballot shall be
40 amended to contain a summary of the Legislative Analyst's

1 estimate of the net state and local government ~~financial~~ *fiscal*
2 impact.

3 SEC. 3. Section 13247 of the Elections Code is amended to
4 read:

5 13247. (a) ~~If, in preparing the fiscal impact summary for a~~
6 ~~measure pursuant to Section 9087, the Legislative Analyst~~
7 ~~determines that the measure to be voted on would result in an~~
8 ~~increase or decrease in revenue or cost to the state, one of the~~
9 ~~following, as applicable, shall appear immediately below the~~
10 ~~designation of the measure on the ballot made pursuant to Section~~
11 ~~13116:~~

12 (1) ~~If the fiscal impact summary provides an estimated numerical~~
13 ~~figure reflecting an increase in revenue to the state, the statement~~
14 ~~“Estimated Increase in State Revenue:” followed by the numerical~~
15 ~~figure.~~

16 (2) ~~If the fiscal impact summary provides an estimated numerical~~
17 ~~figure reflecting a decrease in revenue to the state, the statement~~
18 ~~“Estimated Decrease in State Revenue:” followed by the numerical~~
19 ~~figure.~~

20 (3) ~~If the fiscal impact summary provides an estimated numerical~~
21 ~~figure reflecting an increase in costs to the state, the statement~~
22 ~~“Estimated Increase in State Costs:” followed by the numerical~~
23 ~~figure.~~

24 (4) ~~If the fiscal impact summary provides an estimated numerical~~
25 ~~figure reflecting a decrease in costs to the state, the statement~~
26 ~~“Estimated Decrease in State Costs:” followed by the numerical~~
27 ~~figure.~~

28 (5) ~~If the fiscal impact summary does not provide an estimated~~
29 ~~numerical figure, but concludes that the measure would result in~~
30 ~~an increase or decrease in revenue or cost to the state, the statement~~
31 ~~“See Fiscal Impact Statement Below.”~~

32 (b) ~~The statement of a measure submitted to the voters shall be~~
33 ~~abbreviated on the ballot. The statement shall contain not more~~
34 ~~than 75 words, followed by the words, “Yes” and “No.”~~
35 ~~Abbreviation of a measure to be voted on throughout the state shall~~
36 ~~be composed by the Attorney General and shall be a condensed~~
37 ~~statement of the ballot title prepared by him or her.~~

38 (c)

39 (b) For a measure to be voted on throughout the state, the
40 limitation contained in subdivision (a) shall apply to the total

- 1 number of words used in the condensed statement of the ballot
- 2 title and the fiscal impact summary prepared pursuant to Section
- 3 9087 of this code and Section 88003 of the Government Code.
- 4 *The condensed fiscal impact summary shall contain the uniform*
- 5 *estimate of increase or decrease in revenue or cost of the measure*
- 6 *prepared pursuant to subdivision (b) of Section 9087.*